



Cont. Appl. 9200 / 1745
DAC/8
PATENT # 6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: A.J. NEJEZCHLEB et al.

Continued Prosecution Application
Serial No.: 09/085,669 09/987,769

Examiner: J. Crepeau

Filed: May 27, 1998 11/15/01

Group Art Unit: 1745

U.S. Patent No. 6,309,610 u/A

Issued: October 30, 2001

Title: NON-THERMAL PLASMA APPARATUS
UTILIZING DIELECTRICALLY-COATED
ELECTRODES FOR TREATING EFFLUENT GAS

PETITION

This is a petition to the Commissioner under 37 CFR 1.181(a) invoking the supervisory authority of the Commissioner.

Specifically, because of mail delays associated with the recent anthrax contamination of the U.S. Postal Service Brentwood Sorting Station, through which U.S. Patent & Trademark Office mail is routed, the Issue Notification with regard to U.S. Patent Application Serial No. 09/085,669 was neither received nor docketed prior to issuance of the related patent. As a consequence of this mail disruption, a continuation application was not timely filed.

The petitioners respectfully request that the Commissioner grant a filing date of October 30, 2001, for a continuation application to be filed claiming priority to U.S. Patent Application Serial No. 09/085,669.

The petitioners provide herewith a check in the amount of \$130.00, the patent petition fee identified in 37 C.F.R. § 1.17(h). This petition, filed within two months of the issuance of U.S. Patent No. 6,309,610, is timely filed.

STATEMENT OF FACTS

1. In connection with the recent discovery of anthrax spores in mail routed through the U.S. Postal Service's Brentwood Sorting Station in Washington, D.C. mail from the U.S. Patent and Trademark Office to the Washington, D.C. office of Kilpatrick Stockton LLP (which is routed through the Brentwood Sorting Station) has been disrupted. The Washington Post has reported as of November 9, 2001 that “[one] million pieces of mail . . . were locked up at Brentwood and sent only this week to a decontamination facility in Ohio.” Arthur Santana, Mail Woes Delay D.C. Support Payments, Wash. Post, November 9, 2001, at B8; (visited November 9, 2001) <<http://www.washingtonpost.com/wp-dyn/articles/A64475-2001Nov8.html>>.

2. The U.S Patent & Trademark Office has acknowledged this disruption. On October 25, 2001, in a notice published at the U.S. Patent & Trademark website, the U.S. Patent & Trademark Office stated that “non-trademark communications mailed from the United States Patent and Trademark Office (USPTO) . . . were routed through the U.S. Postal Service's Brentwood Sorting Station in Washington, D.C., where workers are diagnosed as having contracted anthrax” and that “[t]he Brentwood Station is now closed, and USPTO mailings, both incoming and outgoing,

are currently being routed through another station.” (visited November 9, 2001)
<<http://www.uspto.gov/september11/mailings02.htm>>.

3. At Kilpatrick Stockton LLP, papers received from the U.S. Patent & Trademark Office regarding an application are placed in the docketing calendar of the Washington, D.C. office of Kilpatrick Stockton LLP for that application and serve as docketing events used to consider taking various actions with regard to that application. (Affidavit of George T. Marcou ¶ 4; Affidavit of Kent Forrester ¶ 5.)

4. More specifically, an Issue Notification in an application is placed in the docketing calendar of the Washington, D.C. office of Kilpatrick Stockton LLP for that application and is a docketing event that is used to consider taking actions, such as the filing of a continuation application, among others. (Marcou Aff. ¶ 5; Forrester Aff. ¶ 6.)

5. Regarding U.S. Patent Application Serial No. 09/085,669, as of today, November 9, 2001, Kilpatrick Stockton LLP has not received an Issue Notification providing notice of the approaching issuance of U.S. Patent No. 6,309,610, due, it is believed, to the anthrax-related events and the closing of the Brentwood Sorting Station. (Marcou Aff. ¶ 6; Forrester Aff. ¶ 7.)

6. U.S. Patent No. 6,309,610 issued on October 30, 2001, although Kilpatrick Stockton LLP never received notice of the approaching issuance and, thus, never docketed the issue date. (Marcou Aff. ¶ 7; Forrester Aff. ¶ 8.)

7. Because the Issue Notification with regard to U.S. Patent Application Serial No. 09/085,669 was not received prior to issuance of the related patent and never docketed, a continuation application was not timely filed. (Marcou Aff. ¶ 8.)

RELIEF REQUESTED

The petitioners respectfully request that the Commissioner grant a filing date of October 30, 2001, for a continuation application to be filed claiming priority to U.S. Patent Application Serial No. 09/085,669.

CONCLUSION

Pursuant to 37 CFR § 1.181(a) and the supervisory authority of the Commissioner, petitioners respectfully request that the Commissioner grant a filing date of October 30, 2001, for a continuation application to be filed claiming priority to U.S. Patent Application Serial No. 09/085,669. Because of mail disruptions associated with the recent anthrax contamination of the U.S. Postal Service Brentwood Sorting Station, through which U.S. Patent & Trademark Office mail is routed, the Issue Notification with regard to U.S. Patent Application Serial No. 09/085,669 was neither received nor docketed prior to issuance of the related patent.


As a consequence of this mail disruption, a continuation application was not timely filed.

This petition is timely filed and the requisite fee is provided herewith.

Respectfully submitted,

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